

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: :
: Case No. 16-51636
Raymond Joseph Gagliardi, : Chapter 7
Dalia Shukri Elkhairi, : Judge Hoffman
:
Debtors. :

**MOTION OF CHAPTER 7 TRUSTEE TO SELL 2013 SUBARU BRZ
AT AUCTION, FREE AND CLEAR OF ANY LIENS, AND NOTICE OF PUBLIC SALE**

Now comes Myron N. Terlecky, Chapter 7 Trustee of this estate, and hereby moves the Court, pursuant to 11 U.S.C. §363(b)(1) and (f), Fed. R. Bankr. P. 6004 and LBR 6004-1, for an Order authorizing him to sell a 2013 Subaru BRZ, the personal property owned by the Debtor, free and clear of any liens. A memorandum in support follows.

Respectfully submitted,

/s/ John W. Kennedy

Myron N. Terlecky (0018628)

John W. Kennedy (0047672)

Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA

575 South Third Street

Columbus, OH 43215

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Attorneys for Chapter 7 Trustee

MEMORANDUM IN SUPPORT

1. The Debtors, Raymond Joseph Gagliardi and Dalia Shukri Elkhairi, filed their voluntary petition under Chapter 7 of the Bankruptcy Code on March 16, 2016 (the “Petition Date”). Myron N. Terlecky was appointed the Chapter 7 Trustee for the estate of the Debtors (the “Trustee”).

2. Among the assets of this estate is the Debtor Raymond Gagliardi’s interest in a 2013 Subaru BRZ, Vin No. JF1ZCAC16D1601492 (the “Vehicle”). The Debtors listed the Vehicle in the Schedules of Assets and Liabilities as having a value of \$13,660.00.

3. JP Morgan Chase Bank, N.A. (“Chase”) has a lien on the Vehicle as reflected on a copy of the Memorandum Certificate of Title attached hereto as Exhibit A. Chase is owed approximately \$7,676.40 through the Petition Date, plus any accrued interest. The Trustee proposes to pay Chase on its secured claim from the proceeds of sale without further Order of the Court.

4. 11 U.S.C. §363(f)(3) provides, in part, that the Trustee may sell property free and clear of the interest of an entity other than the debtor if the sales price is greater than the aggregate value of all liens on the property. In this case, the Trustee anticipates the sales price will be greater than all liens on the Vehicle. The Trustee requests authorization to pay, from the proceeds of sale, the secured claim of Chase in the amount of \$7,676.40 through the Petition Date, plus any accrued interest.

5. The proposed terms of the auction of the Vehicle are as follows:

Auctioneer: Manheim Auto Resale Services, Inc. d/b/a Ohio Banc Auction

Date, Time and Place of Sale: Tuesday, January 10, 2017
3905 Jackson Pike, Grove City, Ohio 43123
beginning at 9:30 a.m.

Auctioneer's Commission & Compensation \$ 105.00
Reimbursement for Expenses
Incurred:
Wash and Vacuum Fee: \$ 28.00
Inspection Fee: \$ 25.00
(If applicable) Clean and Detail: \$ 90.00
(If applicable) Pickup Fee: \$ 50.00

and reimbursement for any additional expenses properly incurred.

Based upon the foregoing, the Trustee requests that he be authorized to auction the Vehicle free and clear of the interest of Chase, with the interest of Chase attaching to the proceeds of sale. The Trustee further requests authorization to pay, from the proceeds of sale, the secured claim of Chase in the amount of \$7,676.40 through the Petition Date, plus any accrued interest, and that the Court grant such other and further relief as is appropriate.

Respectfully submitted,

/s/ John W. Kennedy

Myron N. Terlecky (0018628)

John W. Kennedy (0047672)

Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA

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Attorneys for Chapter 7 Trustee

NON-NEGOTIABLE - FOR REGISTRATION ONLY

EXHIBIT A

SELLING CITY FRANKLIN
RESIDENT CITY FRANKLIN

STATE OF OHIO No. 23 0159 7931
MEMORANDUM TITLE

ISSUE DATE
08/10/2012

IDENTIFICATION NUMBER
JF1ZCAC16D1601492
COMMENTS

PURCHASE PRICE
\$31,750.00

YEAR MAKE MAKE DESCRIPTION
2013 SUBA SUBARU
BODY TYPE MODEL MODEL DESCRIPTION
2D BRL BRL

CONVERSION:

\$1,245.38
VLS BRAND ACTUAL

WEA GE EVIDENCE
6 OH MCO - IN STATE

BRAND(S)

OWNER
RAYMOND J. GAGLIARDI

7595 SKARLOCKEN GREEN
NEW ALBANY, OH 43054

PREVIOUS OWNER
BYERS MAZDA SUBARU

2455 BILLINGSLEY RD
COLUMBUS, OH 43235-0000

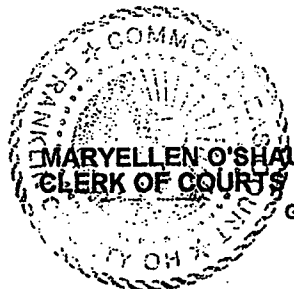
25286525 ND002946

FIRST LIENHOLDER DATE OF LIEN: 08/10/2012
JP MORGAN CHASE BANK NA

1111 POLARIS PARKWAY
COLUMBUS, OH 43240

WITNESS MY HAND AND OFFICIAL SEAL THIS 10th DAY OF AUGUST, 2012

%111037534



MARYELLEN O'SHAUGHNESSY
CLERK OF COURTS

KSB2
SAJEFFERIS

EXHIBIT A

NOTICE OF MOTION OF CHAPTER 7 TRUSTEE TO SELL 2013 SUBARU BRZ AT AUCTION, FREE AND CLEAR OF ANY LIENS, AND NOTICE OF PUBLIC SALE, AND CERTIFICATE OF SERVICE

The Chapter 7 Trustee has filed papers with the court to obtain authorization to sell a 2013 Subaru BRZ at auction.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the Application, **then on or before twenty-one (21) days from the date set forth in the certificate of service for the Application**, you or your attorney must file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk, United States Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215, OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System, or by 2) regular U.S. Mail to:

United States Trustee
170 North High Street, Suite 200
Columbus, Ohio 43215

Myron N. Terlecky, Esq.
John W. Kennedy, Esq.
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, Ohio 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Application and may enter an order granting that relief without further notice or hearing.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION OF CHAPTER 7 TRUSTEE TO SELL 2013 SUBARU BRZ AT AUCTION, FREE AND CLEAR OF ANY LIENS, AND NOTICE OF PUBLIC SALE was served (i) **electronically** on the date of filing through the court's ECF system on all ECF participants registered in the case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on November 14, 2016, addressed to the Debtor, counsel for the Debtor, the Office of the U. S. Trustee, and all creditors and parties in interest as set forth on the attached mailing matrix, and (iii) by **certified mail** on November 14, 2016 addressed to:

JPMorgan Chase Bank, N.A.
Attn: CEO
1111 Polaris Parkway
Columbus, OH 43240

/s/ John W. Kennedy
John W. Kennedy (0042672)

Label Matrix for local noticing

American InfoSource LP as agent for

Asst US Trustee (Col)

0648-2

DIRECTV LLC

Office of the US Trustee

Case 2:16-bk-51636

PO Box 5008

170 North High Street

Southern District of Ohio

Carol Stream IL 601975008

Suite 200

Columbus

Columbus, OH 43215-2417

Wed Nov 9 10:32:37 EST 2016

Bank of America

CSL Acquisitions, Ltd.

Cardmember Services

PO Box 31785

34 South Third Street

PO Box 94014

Tampa, FL 33631-3785

Columbus, OH 43215-4201

Palatine, IL 60094-4014

Chase

(p)DIRECTV LLC

Douglas M. Mansfield

PO Box 6026 Mailcode IL1-0054

ATTN BANKRUPTCIES

Lape Mansfield Nakasian & Gibson LLC

Chicago, IL 60680-6026

PO BOX 6550

9980 Brewster Lane, Suite 150

GREENWOOD VILLAGE CO 80155-6550

Powell, OH 43065-7279

Gagliardi Health Solutions LLC

Immediate Health Associates

Internal Revenue Service

7595 Skarlocken Green

PO Box 771847

PO Box 7346

New Albany, OH 43054-6010

Detroit, MI 48277-1847

Philadelphia, PA 19101-7346

JPMorgan Chase Bank, N.A.

Mount Carmel Health

Ohio Atty General, Collec. Enforcement

Attn Christopher Hammonds

PO Box 89458

Attn: Bankruptcy Unit

P.O. Box 29550 Mail Code AZ1-1024

Cleveland, OH 44101-6458

150 East Gay Street, 21st Floor

Phoenix, AZ 85038-9550

Columbus, OH 43215-3191

Ohio Dept. of Taxation

Radiology Incorporated

Snap Fitness

Attn. Bankruptcy Division

PO Box 371863

c/o Rhiannon Beckendorf

P. O. Box 530

Pittsburgh, PA 15250-7863

2411 Galpin Court, Suite 110

Columbus, OH 43266-0030

Chanhassen, MN 55317-4781

Subaru Motors Finance

Timothy M. Sullivan

Towne Properties

c/o Chase

25651 Detroit Road Suite 203

PO Box 742632

PO Box 9001083

Westlake, OH 44145-2415

Cutler, OH 45724-2632

Wilmore, KY 40390-1083

Dalia Shukri Gagliardi

Laura M Nesbitt

Myron N Terlecky

7595 Skarlocken Green

The Nesbitt Law Firm

575 S Third Street

New Albany, OH 43054-6010

5400 Frantz Road, Suite 210

Columbus, OH 43215-5755

Dublin, OH 43016-6315

Raymond Joseph Gagliardi

7595 Skarlocken Green

New Albany, OH 43054-6010

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Bank of America, NA	(u)CSL Acquisitions, Ltd. 34 South Third Street Columbus	(u)Ohio Department of Taxation
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End of Label Matrix	
Mailable recipients	24
Bypassed recipients	3
Total	27